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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226173
Party	Defendant Shannon Oslick Photography
Correspondence Address	SHANNON OSCLICK PHOTOGRAPHY 43233 SE 176TH ST NORTH BEND, WA 98045-9003 ShannonOslick@Gmail.com
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Date	03/11/2016
Attachments	Answer Final.pdf(188670 bytes)

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

In the matter of Application Serial No. 86/502,380
For the Mark – HONEST MAGAZINE
Filed on February 3, 2016
Published in the *Official Gazette* on October 6, 2015

THE HONEST COMPANY, INC., a Delaware
corporation,

Opposer,

v.

SHANNON OSCLICK PHOTOGRAPHY,

Applicant.

ANSWER TO NOTICE OF OPPOSITION
Opposition No. 91226173

Answer to Notice of Opposition

In response to the Notice of Opposition issued by the Board on February 3, 2016, SHANNON OSCLICK PHOTOGRAPHY, (*Applicant*), hereby answers the allegations of THE HONEST COMPANY, INC. (*Opposer*) as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same.
2. Answering paragraph 2 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same. To the extent that paragraph 2 contains legal conclusions, no response is required.
3. Answering paragraph 3 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein,

and accordingly denies the same. To the extent that paragraph 3 contains legal conclusions, no response is required.

4. Answer paragraph 4 of the Notice of Opposition, to the extent that paragraph 4 alleges that Opposer is the owner of various U.S. federal trademark applications and registrations the records of the USPTO speak for themselves, and/or the paragraph contains legal conclusions to which no response is required. As to the remaining allegations in paragraph 4, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same.

5. Answering paragraph 5 of the Notice of Opposition, to the extent that paragraph 5 alleges that Opposer is the owner of various U.S. federal trademark applications and registrations, the records of the USPTO speak for themselves, and/or the paragraph contains legal conclusions to which no response is required. As to the remaining allegations in paragraph 5, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same.

6. Answering paragraph 6 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same.

7. Answering paragraph 7 of the Notice of Opposition, to the extent that paragraph 7 alleges that Opposer is the owner of various U.S. federal trademark applications and registrations, the records of the USPTO speak for themselves, and/or the paragraph contains legal conclusions to which no response is required. As to the remaining allegations in paragraph 7, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same.

8. Answering paragraph 8 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained therein, and accordingly denies the same.

9. Applicant admits that Applicant has an address of 43233 SE 176th St., North Bend, Washington 98045. Applicant denies that it is a Washington Limited Liability Company. Applicant admits that it is a sole proprietorship and that the subject Application will be assigned to its successor in business, Shannon Douglas Photography, LLC in due course. Such information will be promptly recorded with the United State Patent and Trademark Office and made of record in this proceeding.

10. Applicant admits the allegations set forth in paragraph 10 of the opposition.

11. Applicant denies the allegations set forth in paragraph 11. To the extent that paragraph 11 contains legal conclusions, no response is required.

Affirmative Defenses

12. The Notice of Opposition fails to state a claim upon which relief may be granted, and in particular fails to state legally sufficient grounds for sustaining this opposition.

13. As a result of Applicant's use and marketing of its goods the HONEST MAGAZINE trademark has come to exclusively identify the unique and desirable goods originating from Applicant. Accordingly, Applicant's HONEST MAGAZINE trademark and the associated goodwill are valuable assets belonging to Applicant.

14. Members of the consuming public have come to recognize the HONEST MAGAZINE trademark as designating the goods and services of the highest quality originating exclusively from Applicant.

15. The cited applications and registrations are insufficient to support Opposer's opposition of Applicant's trademark registration. Opposer's U.S. federal trademark applications and registrations as set forth in paragraph 5 of the Notice of Opposition

largely do not involve International Class 016, and the applications that cover International Class 016 do not involve magazines, but rather “magazine paper.” There is thus no likelihood of confusion between the goods associated with Applicant’s U.S. Trademark Application Serial No. 86/502,380 and those allegedly associated with Opposer’s U.S. trademark applications and registrations.

16. The term HONEST is diluted as a trademark formative, and is thus weak. Accordingly, Opposer’s purported trademark rights extend no further than to the specific marks that Opposer alleges that it owns, none of which are the same or confusingly similar to Applicant’s mark.

17. Applicant’s use of its mark has not and will not cause mistake among the consuming public that Applicant’s goods derive from the same source as Opposer’s goods. The consuming public has not and will not be confused as to whether Applicant’s goods have the approval of or association with Opposer.

18. Applicant’s mark in its entirety is sufficiently distinct from Opposer’s purported marks so as to avoid confusion, deception, or mistake as to the source or sponsorship or association of Applicant’s goods with those of Opposer.

19. Applicant’s mark, when used on Applicant’s goods, is not likely cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant’s goods by Opposer.

21. Applicant reserves the right to assert any and all other affirmative defenses of which Applicant becomes aware during the pendency of this matter.

Relief Requested

WHEREFORE, Applicant having set forth its answer to the Notice of Opposition and its affirmative defenses, respectfully requests that this opposition proceeding be dismissed with prejudice.

DATED this 11th day of March 2016.

Respectfully submitted,

IRONMARK LAW GROUP, PLLC



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Certificate of Service

I hereby certify that on March 11, 2016, one true and correct copy of the foregoing *Answer to Notice of Opposition* was served on Opposer by mailing the same via First Class Mail, postage paid, to Opposer's attorneys of record at the following address:

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Nathan D. Meyer
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/s/ Rachel E. Buker
Rachel E. Buker